



STATE OF DELAWARE  
**DIVISION OF LEGISLATIVE SERVICES**  
Legislative Information Office  
411 Legislative Avenue  
Dover, DE 19901

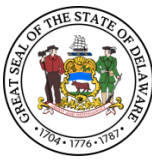
LANDLORD TENANT CODE SUPPLEMENT

Thank you for contacting Legislative Council/Division of Research. This supplemental packet contains laws passed during the 152<sup>nd</sup> General Assembly that impact the Landlord Tenant Code (LTC) but have not been incorporated in the published document yet. The relevant sections of code are highlighted in green on the bills. Below is a brief summary of the changes:

<b>Session Law</b>	<b>Code Section</b>	<b>Change</b>	<b>Page # in LTC</b>
<b>84/357</b>	§ 7003; § 7020A;	New language added to § 7003 & § 7020A. Changes to § 7051A* & § 7055. (*Please note varying effective dates)	63 & 81
	§ 7051A; & § 7055		98 & 104
<b>84/358</b>	§ 5116	Changes to language	13
<b>84/428</b>	§ 5116 & § 5141	Changes to language in § 5116	13
		New language added in § 5141	14
<b>84/494</b>	§ 5123 & § 5141	New section added § 5123	14
		New language added in § 5141	38
<b>84/530</b>	§ 5141	New language added	14
<b>84/531</b>	§ 7022; § 7022A;	New language added § 7022 & § 7022A	82 & 83
	§ 7047; § 7051;	New section added § 7047 & changes to § 7051	98
	§ 7052A	New language added § 7052A	100

Please feel free to contact us if you have any questions.

Sincerely,  
Legislative Information Office



LAWS OF DELAWARE  
VOLUME 84  
CHAPTER 357  
152nd GENERAL ASSEMBLY  
FORMERLY  
SENATE SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 247

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO MANUFACTURED HOUSING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 70, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7003. Definitions.

For purposes of this chapter:

( ) “DMHOA” means the Delaware Manufactured Homeowners’ Association.

( ) “Official notice of an unsafe condition” means a citation, charge, indictment, notice of violation or similar notice, or a finding of fact or conclusion of law issued by any court, administrative agency, county, or municipality that a violation of a requirement under this chapter or of federal, state, county, or municipal law or regulation, which relates to water, sewer, or utilities distributed by the community owner, exists.

( ) “Unsafe condition” means a condition within a manufactured home community that threatens or has threatened the life, health, or safety of a resident, visitor, or guest of the manufactured home community.

§ 7020A. Health or safety violations.

(a) If water, sewer, or septic supplied by or gas or electric distributed by the community owner fails or is not supplied safety, or if a community owner receives an official notice of an unsafe condition, the community owner must fix the problem within 10 days or do all of the following:

(1) Provide written documentation that there has been meaningful effort to fix the issue within 10 days.

(2) Provide a written detailed explanation of efforts taken and the specific reasons why the issue was unable to be resolved within the 10-day period, including the anticipated resolution date of the issue, to all of the following:

a. Every affected resident in the community.

b. To any homeowners’ association for residents of the community, if one exists.

c. DEMHRA.

d. DMHOA.

e. The Attorney General.

(3) Provide a surety bond to DEMHRA that complies with the following.

a. Is payable to DEMHRA.

b. In an amount equal or greater to 150% of the estimated cost to fix the issue.

(4) Every 30 days, until the repair is completed, provide written updates to all of the same recipients as paragraph (2) of this subsection.

(b) If a receivership is granted under §§ 7061 – 7067 of this title, the receiver may utilize the full amount of the bond required under this subsection to complete any work necessary related to this section or related to any basis for which the receivership is granted.

(c) If the unsafe condition is water supplied by the community owner, in addition to complying with subsection (a) of this section, the must do either of the following:

(1) Supply all residents with potable or bottled water until the problem is resolved.

(2) Otherwise, following 48 hours from when the unsafe condition is identified, provide alternative suitable housing to affected tenants until the problem is resolved.

(d) Upon fixing the unsafe condition, the community owner must send notice to that the problem has been fully repaired to all of the following:

(1) Every affected resident in the community.

(2) To any homeowners' association for residents of the community, if one exists.

(3) DEMHRA.

(4) DMHOA.

(5) The Attorney General.

(6) If an official notice of unsafe condition was issued related to the problem, to the agency or governmental authority that issued the notice.

Section 2. Amend Chapter 70, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7051A. Rent increase; health or safety violations.

(a) A community owner may not increase rent under §§ 7052, 7052A, or 7052B of this title if an unsafe condition exists in the community unless otherwise permitted by this section.

(b) A condition preventing a rent increase under subsection (a) of this section exists if there has been an official notice of an unsafe condition within 12 months prior to the effective date of the rent increase and the community owner did not do both of the following:

(1) Completely resolve the condition that caused the notice to be issued.

(2) Fully comply with § 7020A of this title.

(c) Absent official notice of an unsafe condition under subsection (b) of this section, a resident or group of residents of the manufactured home community or a homeowners' association of the manufactured home community may file an action in the Justice of the Peace Court to show by a preponderance of the evidence either of the following:

(1) A condition which the community owner knows or should know exists that is an unsafe condition as defined in § 7003 of this title.

(2) A community owner that received an official notice of an unsafe condition has not adequately fixed or eliminated the condition that caused the notice to be issued.

(3) A community owner did not comply with § 7020A of this title.

(d) If a community owner has received an official notice of an unsafe condition, the community owner shall immediately send a copy within 5 days of receipt of the notice to all of the following:

a. To every resident in the community.

b. To any homeowners' association for residents of the community, if one exists.

c. DEMHRA.

d. The Attorney General.

e. DMHOA.

(e) (1) If a community owner has received an official notice of an unsafe condition under subsection (b) of this section or a finding has been made under subsection (c) of this section that an unsafe condition exists, a community owner may not increase the rent under §§ 7052, 7052A, or 7052B of this title unless the issue is resolved and the community owner complied with § 7020A of this title.

(2) If a community owner has received an official notice of an unsafe condition or has been subject to § 7020A of this title 3 times or more in 12 months for the same or substantially the same reason that has affected the same tenants, regardless of whether the unsafe condition was resolved, the community owner may not increase the rent under §§ 7052, 7052A, 7052B of this title for at least 12 months after the resolution of the last such incident of an unsafe condition.

(f) (1) If a community owner has received an official notice of an unsafe condition under subsection (b) of this section which the community owner disputes, the community owner may file an action in the Justice of the Peace Court to show by a preponderance of the evidence that the condition for which the notice was issued did not exist at the time of the notice.

(2) A copy of the petition filed under this subsection must be sent by the community owner to all of the following:

a. Every affected resident in the community.

b. Any homeowners' association for residents of the community, if one exists.

c. The court, administrative agency, county, or municipality that issued any violation under subsection (b) of this section.

d. DEMHRA.

e. DMHOA.

(3) A resident in the community, a group of residents, or a homeowners' association for residents in the community may intervene to oppose the community owner's petition filed under this subsection.

(a) For purposes of this section,

(1) "Escrow account" means an account with an FDIC-insured financial institution in an arrangement that requires that the financial institution hold the escrowed funds for the purpose of payment due to homeowners under this section.

(2) a. "Health or safety violation" or "violation" means a decision that contains a finding of fact or conclusion of law by any court, administrative agency, county, or municipality that a violation of a requirement under this chapter or federal, state, or county law exists and threatens the health or safety of the residents, visitors, or guests of the manufactured home community.

b. A violation is deemed to have started on the date that the violation is final. A violation is final if the decision finding the violation has been fully determined on appeal to the appropriate court, if all time for filing an appeal with respect to the decision has expired, or the decision is not subject to judicial review.

(3) "Total rent increase" means the difference in the amount of rent that a homeowner will owe in 1 year under the increased amount of rent in a notice under § 7051 of this title and the amount of rent the homeowner would owe in 1 year without the rent increase.

(b) A community owner may only increase rent under § 7052A or § 7052B of this title if 1 of the following apply:

(1) During the 12 months preceding the date of the notice of the rent increase, there has not been a health or safety violation in the manufactured home community that continued for 15 or more consecutive days.

(2) The community owner complies with subsection (c) of this section.

(c) A community owner may increase rent if the condition that constitutes the violation under subsection (a) of this section is not corrected if the community owner complies with all of the following:

(1) Provides DEMHRA with all of the following before sending the notice of the rent increase:

a. A surety bond or a letter of credit as follows:

1. If the community owner provides a surety bond, the surety bond must be from an admitted carrier that is licensed in Delaware and has a rating from AM Best of A or better.

2. If the community owner provides a letter of credit, the letter of credit must be from an FDIC-insured financial institution.

3. The surety bond or letter of credit must be all of the following:

A. Payable to the Delaware Manufactured Home Relocation Authority.

B. In an amount sufficient to fund 100% of the total rent increase for all affected homeowners.

C. Contains the purpose of securing that the community owner will correct the violation by a specified date. For purposes of this section, the date by which the violation is corrected cannot be later than 1 year after the date of the violation.

b. A list that includes all of the following:

1. The name of each affected homeowner and the total rent increase for each homeowner.

2. The mailing address of each affected homeowner.

3. The total rent increase for all affected homeowners.

e. Written documentation of how the violation will be corrected.

(2) Sends a copy of the documents required under paragraph (c)(1) of this section with the notice of the rent increase and to the Delaware Manufactured Home Owners Association and the Department of Justice.

(d) If a community owner increases rent under subsection (c) of this section and provides documentation to DEMHRA that the violation has been corrected by the date under paragraph (c)(1)a.3.C. of this section, DEMHRA shall cancel and surrender the surety bond or letter of credit to the community owner and the liability upon the surety bond or letter of credit is discharged.

(e) If a community owner increases rent under subsection (c) of this section and does not provide documentation to DEMHRA that the violation has been corrected by the date under paragraph (c)(1)a.3.C. of this section, the rent increase does not take effect and DEMHRA shall do all of the following:

(1) Make a claim on the surety bond or draw on the letter of credit.

(2) Deposit the funds from the surety bond or letter of credit in an escrow account.

(3) Within 30 days of the date under paragraph (c)(1)a.3.C. of this section, send each affected homeowner the amount of the total rent increase as provided under paragraph (c)(1)b.1. of this section.

(f) DEMHRA may promulgate regulations necessary to implement this section.

(g) The Superior Court has jurisdiction over disputes under this section.

Section 3. Amend Chapter 70, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7055. Penalties [For application of this section, see 79 Del. Laws, c. 304, § 7].

A community owner who raises a homeowner's rent more than the annual average increase of the CPI-U for the preceding 36-month period without complying with this subchapter, must immediately reduce the rent to the amount in effect before the unauthorized increase and rebate the unauthorized rent collected to the homeowners with interest. The Department of Justice shall have has authority over this section.

Section 4. Amend Chapter 70, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7051A. Rent increase; health or safety violations.

(a) For purposes of this section,

(1) "Escrow account" means an account with an FDIC-insured financial institution in an arrangement that requires that the financial institution hold the escrowed funds for the purpose of payment due to homeowners under this section.

(2) a. "Health or safety violation" or "violation" means a decision that contains a finding of fact or conclusion of law by any court, administrative agency, county, or municipality that a violation of a

requirement under this chapter or federal, state, or county law exists and threatens the health or safety of the residents, visitors, or guests of the manufactured home community.

b. A violation is deemed to have started on the date that the violation is final. A violation is final if the decision finding the violation has been fully determined on appeal to the appropriate court, if all time for filing an appeal with respect to the decision has expired, or the decision is not subject to judicial review.

(3) "Total rent increase" means the difference in the amount of rent that a homeowner will owe in 1 year under the increased amount of rent in a notice under § 7051 of this title and the amount of rent the homeowner would owe in 1 year without the rent increase.

(b) A community owner may only increase rent under § 7052A or § 7052B of this title if 1 of the following apply:

(1) During the 12 months preceding the date of the notice of the rent increase, there has not been a health or safety violation in the manufactured home community that continued for 15 or more consecutive days.

(2) The community owner complies with subsection (c) of this section.

(c) A community owner may increase rent if the condition that constitutes the violation under subsection (a) of this section is not corrected if the community owner complies with all of the following:

(1) Provides DEMHRA with all of the following before sending the notice of the rent increase:

a. A surety bond or a letter of credit as follows:

1. If the community owner provides a surety bond, the surety bond must be from an admitted carrier that is licensed in Delaware and has a rating from AM Best of A or better.

2. If the community owner provides a letter of credit, the letter of credit must be from an FDIC-insured financial institution.

3. The surety bond or letter of credit must be all of the following:

A. Payable to the Delaware Manufactured Home Relocation Authority.

B. In an amount sufficient to fund 100% of the total rent increase for all affected homeowners.

C. Contains the purpose of securing that the community owner will correct the violation by a specified date. For purposes of this section, the date by which the violation is corrected cannot be later than 1 year after the date of the violation.

b. A list that includes all of the following:

1. The name of each affected homeowner and the total rent increase for each homeowner.

2. The mailing address of each affected homeowner.

3. The total rent increase for all affected homeowners.

c. Written documentation of how the violation will be corrected.

(2) Sends a copy of the documents required under paragraph (c)(1) of this section with the notice of the rent increase and to the Delaware Manufactured Home Owners Association and the Department of Justice.

(d) If a community owner increases rent under subsection (c) of this section and provides documentation to DEMHRA that the violation has been corrected by the date under paragraph (c)(1)a.3.C. of this section, DEMHRA shall cancel and surrender the surety bond or letter of credit to the community owner and the liability upon the surety bond or letter of credit is discharged.

(e) If a community owner increases rent under subsection (c) of this section and does not provide documentation to DEMHRA that the violation has been corrected by the date under paragraph (c)(1)a.3.C. of this section, the rent increase does not take effect and DEMHRA shall do all of the following:

(1) Make a claim on the surety bond or draw on the letter of credit.

(2) Deposit the funds from the surety bond or letter of credit in an escrow account.

(3) Within 30 days of the date under paragraph (c)(1)a.3.C. of this section, send each affected homeowner the amount of the total rent increase as provided under paragraph (c)(1)b.1. of this section.

(f) DEMHRA may promulgate regulations necessary to implement this section.

(g) The Superior Court has jurisdiction over disputes under this section.

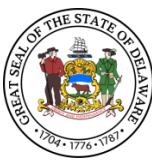
Section 5. Sections 1, 2, and 3 of this Act take effect upon enactment.

Section 2 of this Act expires on July 1, 2026.

Section 4 of this Act takes effect on July 1, 2026.

Approved August 9, 2024





LAWS OF DELAWARE  
VOLUME 84  
CHAPTER 358  
152nd GENERAL ASSEMBLY  
FORMERLY  
SENATE SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 293  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 6 AND TITLE 25 OF THE DELAWARE CODE RELATING TO FAIR HOUSING.

WHEREAS, both the Delaware Fair Housing Act, Chapter 46 of Title 6, and Residential Landlord-Tenant Code, Chapter 51 of Title 25, prohibit discrimination based on source of income; and

WHEREAS, under both laws, “source of income” means any lawful source of money paid directly, indirectly, or on behalf of a renter or buyer of housing, including income or rental payments derived from any government or private assistance, grant, or loan program; and

WHEREAS, both the Delaware Fair Housing Act and Residential Landlord-Tenant Code have an exception to this prohibition against discrimination based on source of income so that a landlord's nonparticipation in a government-sponsored rental assistance, voucher, or certificate system (voucher) may not serve as the basis for an administrative or judicial proceeding; and

WHEREAS, this exception means that this State’s laws prohibiting discrimination based on source of income explicitly allow discrimination against people who have a source of income that can only be used to pay for housing; and

WHEREAS, Delaware has a severe affordable housing shortage, with only 38 available and affordable rental units for every 100 extremely low-income renters; and

WHEREAS, voucher recipients face significant hurdles finding units to rent; and

WHEREAS, when voucher recipients are unable to secure housing before their voucher expires, they lose their voucher and thus, this crucial housing assistance for which they are eligible; and

WHEREAS, New Castle County gives voucher holders 120 days to find housing, but currently only 42% of voucher holders find units during that window due to the lack of affordable housing; and

WHEREAS, this is a decrease from 2022, when 50% of New Castle County voucher holders were able to secure housing with their voucher; and

WHEREAS, in Kent and Sussex counties, only 36% of households with federal Housing Choice Vouchers administered by the Delaware State Housing Authority (DSHA) were able to secure housing with their voucher in 2023; and

WHEREAS, even voucher holders that receive case management services under the DSHA-administered State Rental Assistance Program (SRAP) experience difficulty renting a unit and only 79% of SRAP voucher recipients were able to secure housing with their voucher in 2023; and

WHEREAS, the 5 Delaware public housing authorities (PHAs) have retained a consultant to assist with streamlining the procedures required when landlords accept vouchers; and

WHEREAS, the Delaware Apartment Association (DAA) is actively participating in the PHAs’ efforts to streamline these procedures, including by providing feedback on the current processes; and

WHEREAS, in May 2024, the consultant retained by the PHAs to assist with this streamlining process issued a recommendations report that includes specific short, medium, and long-term recommendations for the PHAs, including a recommended timeframe for the processing of Requests for Tenancy Approval; and

WHEREAS, the PHAs and consultant continue to hold meetings with the DAA and other landlords to discuss these recommendations; and

WHEREAS, a New York University study of jurisdictions that enacted laws prohibiting source of income discrimination against housing voucher holders found that these laws lead to more upwardly mobile moves among existing voucher holders; and

WHEREAS, research by Opportunity Insights, based at Harvard University, found that children who grow up in communities with more cross-class interaction are much more likely to rise up out of poverty; and

WHEREAS, both DSHA's 2020 Delaware Statewide Analysis of Impediments to Fair Housing Choice and the Infrastructure & Environment Subcommittee of the African American Task Force, established under Section 39(j)(1)d. of SB 260 (150th), recommended prohibiting discrimination against tenants with housing vouchers.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 4607, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4607. Exemptions in certain situations.

~~(j) A landlord is not required to participate in any government-sponsored rental assistance program, voucher, or certificate system. A landlord's nonparticipation in any government-sponsored rental assistance program, voucher, or certificate system may not serve as the basis for any administrative or judicial proceeding under this chapter. The denial of a rental application under § 5116(e)(2) of Title 25 may not serve as the basis for any administrative or judicial proceeding under this chapter.~~

Section 2. Amend § 5116, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5116. Fair housing provisions.

~~(c) A landlord not be required to participate in any government-sponsored rental assistance program, voucher, or certificate system. A landlord's nonparticipation in any government-sponsored rental assistance program, voucher, or certificate system may not serve as the basis for any administrative or judicial proceeding under this chapter.~~

(1) The public housing authorities must implement the standardized sequence of processing a Request for Tenancy Approval recommended by the third-party consultant in the May 2024 report, "Alignment of Delaware Housing Choice Voucher Programs to Create Efficiencies and Increase Landlord Engagement", prepared for the Delaware State Housing Authority.

(2) If a public housing authority fails to comply with the standardized sequence of processing a Request for Tenancy Approval under paragraph (c)(1) of this section, a landlord may deny a rental application to ensure the reliable and timely supply of housing units.

(3) The denial of a rental application under paragraph (c)(2) of this section may not serve as the basis for any administrative or judicial proceeding under this chapter.

Section 3. (a) No later than March 1, 2028, the Delaware State Housing Authority shall compile a report regarding the work of Delaware's public housing authorities (PHAs) to streamline their procedures associated with the use of government-sponsored housing vouchers (vouchers). This report must contain all of the following:

- (1) A list of the recommendations for streamlining provided to the PHAs by their hired consultant.
- (2) The status of each recommendation under paragraph (a)(1) of this Section, including:

- a. The recommendations that have been fully implemented.
- b. The recommendations that are in the process of being implemented and the expected date of completion.
- c. Recommendations that are not being implemented and the reason each is not being implemented.

(3) Any additional streamlining improvements that have been identified and the status of each.

(4) Data comparing the utilization of vouchers in calendar years 2024 and 2025 with the utilization of vouchers in calendar years 2026 and 2027, including data for each of the following:

- a. Federally-funded vouchers.
- b. State-funded vouchers.
- c. Each PHA.
- d. Different categories of landlords, including by groups based on the number of rental units owned.

(b) The Delaware State Housing Authority shall submit the report required under this Section to the President Pro Tempore of the Senate and the Speaker of the House of Representatives, with copies to all members of the General Assembly, the Governor, the Director and the Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives.

Section 4. This Act is effective immediately and is to be implemented the later of the following:

(1) Notice by the Director of the Delaware State Housing Authority published in the Register of Regulations that the consultant has confirmed that the public housing authorities have successfully adopted and implemented all of the short-term recommendations in the third-party consultant's May 2024 report, "Alignment of Delaware Housing Choice Voucher Programs to Create Efficiencies and Increase Landlord Engagement".

(2) January 1, 2026.

Section 5. This Act expires on December 31, 2028, unless otherwise provided by a subsequent act of the General Assembly.

Approved August 9, 2024



LAWS OF DELAWARE  
VOLUME 84  
CHAPTER 428  
152nd GENERAL ASSEMBLY  
FORMERLY  
HOUSE BILL NO. 439  
AS AMENDED BY  
HOUSE AMENDMENT NO. 1  
AND  
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLES 6 AND 25 OF THE DELAWARE CODE RELATING TO HOUSING STATUS DISCRIMINATION IN HOUSING AND PROPERTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 46, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

Chapter 46. FAIR HOUSING ACT

§ 4601. Declaration of purpose and construction.

(a) *Purpose.* — This chapter is intended to eliminate, as to housing offered to the public for sale, rent or exchange, discrimination based upon race, color, national origin, religion, creed, sex, marital status, familial status, source of income, age, sexual ~~orientation or disability, orientation, disability, or housing status~~ and to provide an administrative procedure through which disputes concerning the same may effectively and expeditiously be resolved with fairness and due process for all parties concerned.

§ 4602. Definitions.

As used in this chapter:

(18) “Housing status” means an individual, family, or youth’s current overnight residence regardless of permanence or habitability.

§ 4603. Discrimination in sale or rental of housing and other prohibited practices.

(b) Except as exempted by § 4607 of this title, it shall be unlawful:

(1) To discriminate in the sale or rental, to refuse to sell or rent, to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, national origin, religion, creed, sex, marital status, familial status, source of income, age, sexual orientation, gender ~~identity or disability, identity, disability, or~~ housing status.

(2) To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, national origin, religion, creed, sex, marital status, familial status, source of income, age, sexual orientation, gender ~~identity or disability, identity, disability, or housing~~ status.

(3) To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, national origin, religion, creed, sex, marital status, familial status, source of income, age, sexual orientation, gender ~~identity~~ or identity, disability, or housing status, or an intention to make any such preference, limitation or discrimination. However, nothing in this chapter restricts the inclusion of information about the availability of housing accessible to persons with a disability in advertising of dwellings.

(4) To represent to any person because of race, color, national origin, religion, creed, sex, marital status, familial status, source of income, age, sexual orientation, gender ~~identity or identity, disability-disability, or housing status~~ that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(5) To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, national origin, religion, creed, sex, marital status, familial status, source of income, age, sexual orientation, gender ~~identity or identity, disability-disability, or housing status~~.

(6) ~~Repealed~~. The rights provided under this subsection do not preclude a landlord's consideration of any other factor not enumerated herein that is permissible under State or federal law.

§ 4604. Discrimination in residential real estate-related transactions.

(a) *In general.* —

It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, national origin, religion, creed, sex, marital status, familial status, source of income, age, sexual orientation, gender ~~identity or identity, disability-disability, or housing status~~.

(b) *Appraisal exemption.* —

Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, national origin, religion, creed, sex, marital status, familial status, source of income, age, sexual orientation, gender ~~identity or identity, disability-disability, or housing status~~.

§ 4605. Discrimination in provision of brokerage services.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling, exchanging or renting dwellings, or to discriminate against the person in the terms or conditions of such access, membership, or participation, on account of race, color, national origin, religion, creed, sex, marital status, familial status, source of income, age, sexual orientation, gender ~~identity or identity, disability-disability, or housing status~~.

§ 4607. Exemptions in certain situations.

(c) Nothing in this chapter limits the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling as long as they are applied to all occupants and do not operate to discriminate or have the effect of discriminating on the basis of race, color, national origin, religion, creed, sex, marital status, familial status, source of income, age, sexual orientation, gender ~~identity or identity, disability-disability, or housing status~~. Nor does any provision in this chapter regarding familial status or age apply with respect to housing for older persons as defined in § 4602(17) of this title.

§ 4619. Prohibition of intimidation, violations and penalties.

Whoever, whether or not acting under color of law, by force or threat of force wilfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

(1) Any person because of race, color, national origin, religion, creed, sex, sexual orientation, gender identity, marital status, familial status, source of income, ~~age or age, disability-disability, or housing status~~ and because he or she is or has been selling, purchasing, renting, financing, occupying or contracting or negotiating for the sale, purchase, rental,

financing or occupation of any dwelling, or applying for participating in any service, organization or facility relating to the business of selling or renting dwellings; or

(2) Any person because he or she is or has been, or in order to intimidate such person or any other person or any class of persons from:

a. Participating, without discrimination on account of race, color, national origin, religion, creed, sex, sexual orientation, gender identity, marital status, familial status, source of income, ~~age or age, disability, disability, or housing status~~ in any of the activities, services, organizations or facilities described in paragraph (1) of this section; or

(3) Because any citizen is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, national origin, religion, creed, sex, sexual orientation, gender identity, marital status, familial status, source of income, ~~age or age, disability, disability, or housing status~~ in any of the activities, services, organizations or facilities described in paragraph (1) of this section, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate, that citizen shall be fined for each such act not more than \$2,500, or imprisoned not more than 1 year, or both, and if bodily injury results shall be fined for each such act not more than \$10,000, or imprisoned not more than 10 years, or both; and, if death results, for each such act shall be subject to imprisonment for any term of years or for life.

Section 2. Amend § 9605, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 9605. Recordation of instruments.

(b) (1) A recorder may not knowingly record or receive for filing any contract, mortgage, lease, deed or conveyance, or any other indenture or agreement affecting real property that contains any promise, covenant, or restriction that limits, restrains, prohibits, or otherwise provides against the sale, gift, transfer, assignment, conveyance, ownership, lease, rental, use, or occupancy of real property to or by any person because of race, color, creed, religion, sex, sexual orientation, gender identity, disability, age, marital status, familial status, source of income, national origin, ~~or ancestry, ancestry, or housing status~~. For purposes of this paragraph (b)(1):

a. "Housing status" means as defined in section 4602 of Title 6.

Section 3. Amend § 5116, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5116. Fair housing provisions.

(a) No person, being an owner or agent of any real estate, house, apartment or other premises, shall refuse or decline to rent, subrent, sublease, assign or cancel any existing rental agreement to or of any tenant or any person by reason of race, creed, religion, marital status, color, sex, sexual orientation, gender identity, national origin, disability, age, source of income, ~~or occupation, occupation, housing status~~ or because the tenant or person has a child or children in the family.

(b) No person shall demand or receive a greater sum as rent for the use and occupancy of any premises because the person renting or desiring to rent the premises is of a particular race, creed, religion, marital status, color, sex, sexual orientation, gender identity, national origin, disability, age, source of income, ~~or occupation, occupation, housing status~~ or has a child or children in the family.

(d) Notwithstanding subsection (a) of this section relating to age discrimination, and consistent with federal and state fair housing acts, a landlord may make rental units available exclusively for rental by senior citizens. A senior citizen rental unit shall be available for rent solely to senior citizens, without regard to race, creed, religion, marital status, color, sex, sexual orientation,

~~gender identity, national origin, disability, source of income, or ~~occupation~~ occupation, or housing status of the senior citizen and without regard to whether or not the senior citizen has a dependent child or children in the residence.~~

Section 4. Amend § 5141, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 5141. Definitions.

The following words, terms and phrases, when used in this part, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(16) "Housing status" means as defined in section 4602 of Title 6.

Approved September 26, 2024



LAWS OF DELAWARE  
VOLUME 84  
CHAPTER 494  
152nd GENERAL ASSEMBLY  
FORMERLY  
HOUSE BILL NO. 363

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO RIGHTS OF TENANT EMPLOYEES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 51, Subchapter I, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter I. Rights, Obligations and Procedures, Generally

§ 5123. Tenant employee.

(a) When the employment of a tenant employee is terminated by the employer, if the employer is the landlord or the management agent of the landlord, and no written rental agreement is in effect, the landlord must offer the tenant employee the opportunity to enter into a written rental agreement, for a specified monthly rent, of the dwelling place where the tenant employee is residing or, if available, equivalent substitute housing. The landlord's offer of a written rental agreement may be conditioned on the tenant employee financially qualifying as a tenant and meeting the landlord's income, credit, or other financial requirements for rent of the dwelling place. The offer of a written rental agreement must be made within 5 business days of termination of employment.

(b) At the time of hire or move in, a landlord must provide a tenant employee with a written disclosure form to be signed by both the tenant employee and the landlord, advising the person of all conditions and requirements for occupying and vacating the dwelling place prior to occupancy. The disclosure form must include notice of the right to continued occupancy after termination described in subsection (a) of this section. A written disclosure form is not required if the tenant employee's rights and responsibilities are disclosed in the written rental agreement or an addendum to the written rental agreement.

(c) This section does not apply if the tenant employee's termination is for cause.

Section 2. Amend Chapter 51, Subchapter II, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline and by redesignating accordingly:

Subchapter II. Definitions.

§ 5141. Definitions.



(39) "Tenant employee" means an individual employed by the landlord, or landlord's management agent, who is provided with a dwelling place as part of that individual's compensation.

Section 3. Amend Chapter 57, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5702. Grounds for summary proceeding.

(a) Unless otherwise agreed in a written rental agreement, an action for summary possession may be maintained under this chapter because:

(5) ~~The tenant, employee, servant or agent of the landlord holds over for more than 15 days after dismissal when the housing is supplied by the landlord as part of the compensation for labor or services; The housing was supplied to the tenant employee by the landlord as part of the compensation for labor or services and 1 of the following has occurred:~~

a. The tenant employee's employment has been terminated and the tenant employee holds over for more than 30 days after dismissal.

b. The tenant employee's employment has been terminated for cause and the tenant-employee holds over for more than 15 days after dismissal.

Approved October 9, 2024



LAWS OF DELAWARE  
VOLUME 84  
CHAPTER 530  
152nd GENERAL ASSEMBLY  
FORMERLY  
HOUSE BILL NO. 275

AN ACT TO AMEND TITLE 6, TITLE 11, TITLE 18, TITLE 19, AND TITLE 25 OF THE DELAWARE CODE RELATING TO THE DEFINITION OF SEXUAL ORIENTATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 4502, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4502. Definitions.

For purposes of this chapter:

(27) "Sexual orientation" includes heterosexuality, homosexuality, ~~or bisexuality.~~ bisexuality, asexuality, or pansexuality.

Section 2. Amend § 4602, Title 6 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4602. Definitions.

~~As used in~~ For purposes of this chapter:

(26) "Sexual orientation" includes heterosexuality, homosexuality, ~~or bisexuality.~~ bisexuality, asexuality, or pansexuality.

Section 3. Amend § 222, Title 11 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 222. General definitions.

When used in this Criminal Code:

(32) "Sexual orientation" includes heterosexuality, ~~bisexuality, or homosexuality.~~ homosexuality, bisexuality, asexuality, or pansexuality.

Section 4. Amend § 2304, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2304. Unfair methods of competition and unfair or deceptive acts or practices defined.

The following are defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

(22) *Unfair discrimination in the value of insurance policies and premiums based on race, color, religion, sexual orientation, gender identity or national origin; penalty.* — a. It is an unlawful practice for any insurance company licensed to do business in this State to discriminate in any way because of the insured's race, color, religion, sexual orientation, gender identity, or national origin, or to make, publish, disseminate, circulate, or place before the public, or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio or television station, or in any other way, to include the writing of any policy or the application therefor, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to the business of insurance or with respect to any person in the conduct of the insurance business, which discriminates in any way because of the insured's race, color, religion, sexual orientation, gender identity, or national origin or to classify or refer to any individual on the basis of race, color, religion, sexual orientation, gender identity, or national origin.

b. For purposes of this paragraph (22):

4. "Sexual orientation" includes heterosexuality, homosexuality, ~~or bisexuality.~~ bisexuality, asexuality, or pansexuality.

Section 5. Amend § 710, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 710. Definitions.

For the purposes of this subchapter:

(28) “Sexual orientation” includes heterosexuality, homosexuality, ~~or bisexuality.~~ bisexuality, asexuality, or pansexuality.

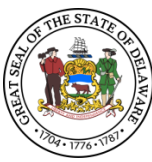
Section 6. Amend § 5141, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5141. Definitions.

The following words, terms and phrases, when used in this part, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: For purposes of Part III of this title:

(34) “Sexual orientation” includes heterosexuality, homosexuality, ~~or bisexuality.~~ bisexuality, asexuality, or pansexuality.

Approved November 2, 2024



LAWS OF DELAWARE  
VOLUME 84  
CHAPTER 531  
152nd GENERAL ASSEMBLY  
FORMERLY  
HOUSE SUBSTITUTE NO. 2  
FOR  
HOUSE BILL NO. 212  
AS AMENDED BY  
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO MANUFACTURED HOUSING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 70, Title 25 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 7022. Lot rental assistance program; eligibility [For application of this section, see 79 Del. Laws, c. 304, § 7].

(a) A homeowner in a manufactured home community who is eligible for Social Security Disability or Supplemental Security Income benefits or who is 62 years of age or older is eligible for lot rental assistance from the manufactured home community owner if the homeowner meets all of the following criteria:

(6) The homeowner, occupants, and the manufactured home must be in substantial compliance with all manufactured home community rules, regulations, and standards. If the manufactured home community owner determines that these criteria are not met, the community owner must notify the homeowner in writing of the nature of the noncompliance and allow the homeowner 30 days to correct the noncompliance, after which the community owner must reevaluate the homeowner's eligibility for the lot rental assistance program.

§ 7022A. Lot rental assistance program; requirements.

(b) (1) A community owner shall annually provide written notice of the lot rental assistance program to all homeowners in the community. The Delaware Manufactured Home Relocation Authority shall develop by [1 year from the effective date of this Act] requirements for the annual written notice. Community owners must follow these requirements when providing written notice of the lot rental assistance program to homeowners in their communities.

(2) The Department of Justice shall annually hold at least 2 informational meetings in each county where information about the lot rental assistance and other programs and services available to homeowners is provided. DOJ shall provide written notice to DEMHRA of the date, time, and location of each meeting at least 15 days in advance of the meeting and DEMHRA shall post the meeting information on its website.

~~(2)~~ (3) After 1 year, a community owner may require a homeowner receiving lot rental assistance to reestablish eligibility for lot rental assistance. If a community owner requires a homeowner to reestablish eligibility for lot rental assistance, the community owner shall provide written notice to the homeowner at least 60 days before the first day of the month that full rent will be due if the lot rental assistance credit is terminated. A notice under this paragraph ~~(b)(2)-(b)(3)~~ of this section is not a notice of a rent increase under § 7051 of this title, but must comply with § 7015 of this title and include all of the following:

- a. The date by which the homeowner must reestablish program eligibility under paragraph ~~(b)(3)-(b)(4)~~ of this section.
- b. The date that the full amount of rent will be due if the homeowner does not reestablish program eligibility.
- c. The amount of rent that will be due without the lot rental assistance credit.

(3) (4) A community owner shall provide a homeowner with at least 45 days, from the date of the notice under paragraph (b)(2)–(b)(3) of this section, to reestablish program eligibility by providing necessary documents and information to the community owner.

(4) (5) If the homeowner fails to reestablish eligibility under paragraph (b)(3)–(b)(4) of this section, the community owner may terminate the lot rental assistance credit under paragraph (b)(2)–(b)(3) of this section.

(5) (6) A community owner may not terminate a lot rental assistance credit without providing notice and the opportunity to reestablish eligibility under this subsection (b) of this section.

(7) A community owner must annually submit a certification to DEMHRA confirming that the lot owner has complied with the requirements of this section. The certification shall include a report of the number of homeowners currently receiving a lot rental assistance credit, the amount of lot rental assistance credit received, the number of homeowners who previously received the credit who became ineligible for the credit in the prior year, and the reason for the ineligibility. DEMHRA may request, and the community owner must provide, additional documents or information relating to the lot rental assistance program.

(8) On or before January 31st each year, DEMHRA shall submit a report to the General Assembly on the number of homeowners statewide that received lot rental assistance credit in the previous year, the amount of lot rental assistance credit received, the number of homeowners previously receiving the credit who became ineligible for the credit during the previous year, and the reason such homeowners became ineligible.

(g) If a homeowner is eligible for lot rental assistance under § 7022 of this title but has not received any assistance under § 7022(d) in the lease period immediately preceding a lease renewal or the preceding year under a multi-year lease, the homeowner is entitled to a rental increase limitation as calculated in § 7022B(d)(1).

(h) Enrollment to receive rental assistance under § 7022 and § 7022B of this title may not be limited by a community owner. Enrollment shall remain open during every month of a homeowner's lease period.

#### § 7047. Landlord disclosure obligations.

All landlords must provide the following information to DEMHRA by [180 days after the enactment of this Act], and thereafter all landlords must provide the following information to DEMHRA within 60 days of taking ownership, possession, or control of a manufactured housing community:

(a) The name, address, and telephone number of the manager or other local representative of the manufactured home community.

(b) The name, address, and telephone number of the owner of the manufactured home community.

(c) If the manufactured home community is owned by a corporate entity, the name, address, and telephone number of a corporate representative for that corporate entity.

#### § 7051. Rent increase; notice.

(a) A community owner may not increase a tenant's lot rent more than once during any 12-month period, regardless of the term of the tenancy or the term of the rental agreement.

(b) A community owner may only increase rent if the rent increase complies with all of the following:

(1) Any lease provision providing for a specific amount of rent for a specific period of time.

(2) The applicable requirements of this chapter.

(c) (1) A community owner must provide written notice of a rent increase at least 90 days, but no more than 120 days, before the first day the increased amount of rent is due, to all of the following:

- a. Each affected homeowner.
- b. The homeowners' association, if 1 exists.
- c. ~~Demhra~~ DEMHRA.

§ 7052A. Rent increase; justified base rent increase calculations.

(c) (1) a. For purposes of this section, "24-month CPI-U" means the average annual increase of the CPI-U for the most recently available preceding 24-month period.

b. The Delaware State Housing Authority shall monitor updates to the CPI-U and within 5 days after new CPI-U data is released, calculate the 24-month CPI-U and report the 24-month CPI-U to DEMHRA.

(2) A community owner may increase rent in an amount that does not exceed the following:

a. If the 24-month CPI-U is equal to or below ~~7%~~ 6.1%, by 3.5% of the rent plus 50% of the 24-month CPI-U up to an amount that does not exceed ~~7%~~ 6.1% of the 24-month CPI-U.

b. If the 24-month CPI-U exceeds ~~7%~~ 6.1%, by the 24-month CPI-U.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, in periods of extremely high inflation, community owners are further restricted from increasing rent in a single year as follows:

a. If the calculation under paragraph (2) of this subsection would result in a rent increase between 6.1% and 8%, a community owner must limit the rent increase to 6.1%.

b. If the calculation under paragraph (2) of this subsection would result in an increase greater than 8%, a community owner must limit the rent increase to 6.1% plus 50% of the 24-month CPI-U above 6.1%.

(4)a. If the community owner must reduce the rent increase due to paragraph (3) of this subsection, the community owner may apply the difference between the percentage increase calculated under paragraph (2) of this subsection and the amount applied under paragraph (3) of this subsection in the next 12-month rent increase period so long as it would not cause the rent to increase beyond the limits contained in paragraph (3) of this subsection.

b. A community owner may continue to carry forward any rent increase percentage not applied under paragraph (4)a. of this subsection until such rent increase percentage has been applied in a future year.

Approved November 2, 2024